

HOUSE BILL REPORT

HB 2909

As Passed House:
February 13, 2008

Title: An act relating to studying the state's specialized forest product resources.

Brief Description: Extending the study of the state's specialized forest product resources.

Sponsors: By Representatives Orcutt, Blake, Kretz, McCune and VanDeWege.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/31/08 [DP].

Floor Activity:

Passed House: 2/13/08, 96-0.

Brief Summary of Bill

- Extends the reporting deadline for the Specialized Forest Products Work Group from December 1, 2007, until December 1, 2008.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Blake, Chair; Van De Wege, Vice Chair; Kretz, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Eickmeyer, Grant, Loomis, McCoy, Nelson, Newhouse and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

Specialized Forest Products

A specialized forest product (SFP) is, generally, an item found in the forest with a value other than that found with traditional timber. The term SFP is defined to include native shrubs, cedar products, cedar salvage, processed cedar products, speciality wood, edible mushrooms, and certain barks. Many of these terms are further defined to include items such as certain logs or slabs of cedar, spruce, maple, and alder, along with cedar shakes and fence posts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A SFP permit, or a true copy of the permit, is required in order to possess or transport the following:

- a cedar product or cedar salvage;
- specialty wood;
- more than five Christmas trees or native ornamental trees or shrubs;
- more than five pounds of picked foliage or Cascara bark; and
- more than five gallons of a single mushroom species.

The SFP permit must be obtained prior to harvesting or collecting the products, even from one's own land, and is available only from county sheriffs on forms provided by the Department of Natural Resources (DNR). The permit must be validated by a sheriff.

For cedar and speciality wood, a processor must keep records for one year of the purchase and have a bill of lading available to accompany all cedar or speciality wood products.

Violations of the law on SFPs is punishable as a gross misdemeanor, and a convicted individual may face a fine of up to \$1,000 and/or up to one year in a county jail. In addition, a law enforcement officer with probable cause may seize and take possession of any SFPs found and, if the product seized was cedar or specialty wood, may also seize any equipment, vehicles, tools, or paperwork.

An affirmative defense is available to a person being prosecuted under the SFP laws that the SFPs in question were harvested from the defendant's own land or that the SFPs in question were harvested with the permission of the landowner. The burden of proving the defense rests with the defendant, who must establish the defense by a preponderance of the evidence.

Specialized Forest Products Work Group

The SFP Work Group was established in 2007 to be staffed by the DNR and to consist of representation from the DNR, county sheriffs, prosecutors, forest landowners, tribes, wood carvers, cedar processors, and other participants invited by the Commissioner of Public Lands.

The SFP Work Group was directed to review the SFP statutes and current laws dealing with theft, and make recommendations relating to SFP regulations. The recommendations were to provide tools for law enforcement, protection for landowners, not be overly burdensome, be clear, and be administered consistently statewide.

A report from the SFP Work Group, along with draft legislation, was due by December 1, 2007. The SFP Work Group was formed, but consensus recommendations were not identified by the deadline.

Summary of Bill:

The SFP Work Group is reconstituted and its reporting deadline is extended from December 1, 2007, until December 1, 2008.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) Approximately one-half of SFPs on industrial forest land are stolen. The current law in this area has been added to over the years with each new popular forest product, and now the law is too complex to be workable.

The lack of funding available to last year's study caused the process to get a late start and the expiration date for the process' authority interfered just when the stakeholders started having good discussions. The issues have been identified, but time will be needed in order to find solutions.

(Opposed) None.

Persons Testifying: Representative Orcutt, prime sponsor; and Bonnie Bunnings, Washington Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.